

## **REMARKS**

Claims 1-31 are currently in this application with claims 2 and 8 cancelled, claims 1, 7, 12, 16, 27, 29 and 31 amended, and new claims 32 and 33 added herein. No new matter has been added by this amendment. Support for the term access server and its juxtaposition with other elements in the claim can be found at least in paragraph [0022] of the Published Patent Application.

Initially, the office action objects to claims 9, 27, and 29 due to certain informalities, it is submitted that as amended herein, the cited informalities have been addressed, and withdrawal of the objections is requested.

On the merits, the Examiner rejects claims 1, 3-7, and 9-31 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 7,073,055 to Freed.

Independent claims 1, 7, 12, 16 and 31 have been amended herein to clarify the distinguishing features of the instant invention. Specifically, each of these claims recites a network device, also called a service policy director, which receives an authentication message or authentication request message, and utilizes the information included in the authentication message to determine or create a user service policy that is utilized for future management of the user's traffic. This device as clarified by the instant amendments is separate from either an access server or an authentication server.

While it is submitted that the cited reference does also involve the creation of a service profile, the relied upon portions of Freed teach a method of creation of such a profile similar to those described in the Discussion of the Prior Art in the instant application. That is the access server or the authentication servers store a service policy and the service-providing servers then

must query the access or authentications servers. Both of these arrangements, as described in the application, create excess network traffic.

In contrast, as amended, and in conformity with the specification, the service policy director of the instant claims creates the service policy from the authentication message. This is done in a transparent fashion either by passing the authentication through the service policy director, having the service policy director act as a proxy, or by sending copies of the message to the service policy director. (See Figs. 1a-1c).

Accordingly, unlike the device in Freed, there need not be any communication between the access server or the authentication server and the service providing server. When a user is attempting to access a certain service, rather, than having the access server send a service policy for a user to the service providing server or have the service providing server query the access or authentication server, the service policy director itself directs a user request to an appropriate service providing server based on the service policy it created from information in the authentication request.

Therefore it is submitted that independent claims 1, 7, 12, 16 and 31 patentably distinguish over the relied upon portions of the cited references and are allowable. 3-6, 9-11, 13-15, and 17-30 which depend from one of these allowable base claims are allowable therewith.

With respect to new claims 32 and 33, these claims recite specific actions, which appear in claims 6 and 12 respectively, as alternative options, but had not to this point been singularly claimed. It is submitted that the relied upon portions of Freed do not teach such features and claims 32 and 33 are therefore allowable. For example, with respect to claim 33, it is respectfully submitted that Freed does not teach sending traffic through filtering software.

Similarly, with respect to claim 32, it is submitted that Freed does not teach a transparent mode as recited therein. Accordingly these claims patentably distinguish over the relied upon portions of Freed and are allowable.

### **CONCLUSION**

In view of the above amendments and remarks, it is believed that claims 1, 3-7, and 9-31, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper, may be charged on Deposit Account 50-1290.

Respectfully submitted,

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